

## **REMARKS**

Reconsideration of the application, as amended, is respectfully requested. The fee for the three month extension and for the additional two claims over twenty is enclosed herein.

### **I. STATUS OF CLAIMS**

Claims 1-21 are pending in this application. Declarations of Mazzilli and Colby under 37 CFR 1.131 are enclosed. New claims 21 and 22 have been added herein. New claims 21 and 22 recite that the alarm clock is adapted such that the video and/or the audio footage already stored in the alarm clock may be edited via at least one external electronic device.

Support for the above may be found throughout the specification as originally filed. It is respectfully submitted that no new matter has been added by virtue of these new claims 21 and 22. In particular, support for claims 21 and 22 may be found on page 10, lines 8-16 of the present specification.

### **II. REJECTIONS UNDER 35 U.S.C. § 102(e)**

**Claims 1, 6-12 and 17-21 have been rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2003/0198137 to Gorden ("the Gorden publication").**

In response, it is respectfully submitted that the Gorden publication is not prior art as to the claimed invention as evidenced by the declarations of Mazzilli and Colby pursuant to 37 C.F.R. 1.131 and attachments with dates redacted submitted herein.

The present invention was conceived earlier than the filing date of the Gorden patent publication. The applicants were diligent in constructing the claimed invention and the application was filed after the chip technology for compressing the video without generating too much heat to make it unsafe to use was available. Accordingly, it is respectfully requested that all the prior art rejections in the last office action be withdrawn.

Further, Gorden fails to teach or suggest all of the features recited in new claims 21 and 22.

As noted above, claims 21 and 22 have been drafted to recite that the alarm clock is adapted such that the video and/or the audio footage already stored in the alarm clock may be edited via at least one external electronic device.

Gorden purports to disclose a personalized alarm clock which allows a user to receive a predetermined audio and/or image signal, or to place a predetermined telephone call to a selected telephone number at a predetermined time. The personalized alarm clock is generally configured in the form of a portable entertainment device, such as a portable AM/FM radio and/or CD/DVD device. However, the Gorden publication at the very least fails to teach or suggest an alarm clock which is adapted such that the video and/or the audio footage already stored in the alarm clock may be edited via at least one external electronic device, as recited in claims 21 and 22.

Rather, in Gorden, the alarm clock is able to receive a predetermined audio and/or image signal, but Gorden appears to be completely silent about its alarm clock being adapted such that the video and/or the audio footage already stored in the alarm clock may be edited via at least one external electronic device, as recited in claims 21 and 22. In other words, even though Gorden describes being able to receive and store audio and video images for being played or displayed on its alarm clock, it still fails to teach or suggest its alarm clock system having the ability to edit this information after it has

already been stored in the alarm clock. Thus, Gorden fails to teach or suggest all of the features of the presently claimed invention, as recited in claims 21 and 22.

Therefore, for at least the reasons set forth above, withdrawal of the rejections to claims 21 and 22 is respectfully requested. As claims 6-11 depend from and incorporate all of the limitations of claim 1 and claims 17-21 depend from and incorporate all of the limitations of claim 12, the withdrawal of the rejections to these dependent claims is likewise respectfully requested.

It is also noted that amended claim 9, besides the reasons mentioned above, is even further distinguished from the Gorden publication because while Gorden generally refers to its alarm clock ability to receive predetermined audio and video signals, it fails to teach or suggest the specific favorite video and/or audio footage recited in claim 9. In particular, Gorden fails to expressly describe selected favorite video and/or audio footage selected from the group consisting of: prerecorded video/audio of user's favorite Hollywood celebrity, prerecorded video/audio of user's favorite singer, prerecorded video/audio of user's favorite music star, and prerecorded video/audio of user's favorite sports star, as recited in claim 9.

### **III. REJECTIONS UNDER 35 U.S.C. § 103(a)**

**(i) Claims 2, 3, 13 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gorden in view of U.S. Patent No. 6,427,078 to Wilska et al. ("the Wilska patent").**

As mentioned above, Gorden is not prior art as to the claimed invention. Further as to new claims 21 and 22, at the very least fails to teach or suggest an alarm clock which is adapted such that the video and/or the audio footage already stored in the alarm clock may be edited via at least one external electronic device.

Moreover, the Wilska patent fails to cure the above deficiencies of the Gorden

publication because Wilska is cited only for its teaching of PCMCIA cards as a memory device. Since Gorden does not teach or suggest editing video and audio footage already stored in its alarm clock, the providing of the PCMCIA cards of Wilska in conjunction with the device of Gorden simply provides another way for the alarm clock of Gorden to receive and store the video and/or audio (e.g. in this case to receive the information from the PCMCIA card). Consequently, the combination of Gorden and Wilska as proposed in the instant Office Action, still at the very least fails to teach or suggest an alarm clock which is adapted such that the video and/or the audio footage already stored in the alarm clock may be edited via at least one external electronic device.

As claims 2, 3 depend from and incorporate all of the limitations of claim 1 and claims 13, 14 depend from and incorporate all of the limitations of claim 12, the withdrawal of the rejections to these dependent claims is likewise respectfully requested.

**(ii) Claims 4, 5, 15 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gorden.**

As discussed, Gorden is not prior art as to the claimed invention in view of the declarations under 37 CFR 1.131 filed herein.

As claims 4, 5 depend from and incorporate all of the limitations of claim 1 and claims 15, 16 depend from and incorporate all of the limitations of claim 12, the withdrawal of the rejections to these dependent claims is likewise respectfully requested.

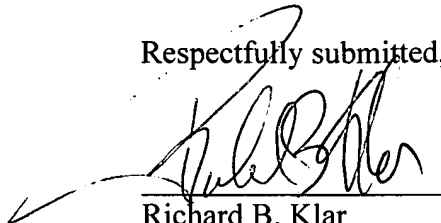
**IV. CONCLUSION**

In view of the actions taken and arguments made it is believed that all pending claims as currently presented are now in condition for allowance.

According to currently recommended Patent Office policy, the Examiner is

requested to contact the undersigned at the telephone number provided below in the event that a telephone interview will advance the prosecution of this application. An early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard B. Klar', is written over a horizontal line.

Richard B. Klar

Reg. No. 31,385

Law Office of Richard B. Klar  
28 East Old Country Road  
Hicksville, New York 11801  
(516) 827-0100